

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
E. PACKMAN, individually and for all	:	Index No. 07-CV-9227
others similarly situated,	:	
	:	ECF
Plaintiff,	:	
	:	
- against -	:	
	:	
IT'S JUST LUNCH INTERNATIONAL, IT'S	:	
JUST LUNCH, INC., and HARRY AND	:	
SALLY, INC.,	:	
	:	
Defendants.	:	
	:	
-----	x	

**DECLARATION OF CRAIG STUART LANZA IN SUPPORT OF  
PLAINTIFF'S MOTION TO SUBSTITUTE LEAD PLAINTIFF**

I, Craig Stuart Lanza, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am an attorney at the law firm Balestriere Lanza PLLC, attorneys for plaintiff, Einat Packman, ("Plaintiff"). As such I am familiar with the facts and circumstances of this matter.

2. I submit this declaration to put before the Court true and correct copies of certain documents that are pertinent to plaintiff's Motion to Substitute Lead Plaintiff.

3. On October 15, 2007, plaintiff through counsel filed a complaint alleging that defendants had committed fraud and violated New York General Business Law § 349 for false advertising.

4. Subsequent to the October 2007 media coverage of plaintiff's allegations,

Balestriere Lanza PLLC has been contacted by 55 potential class members of the above-entitled action.

5. Since October 15, 2007, Balestriere Lanza PLLC has received signed engagement letters from 14 members of the putative class.

6. On Dec. 27, 2007, Christine Rodriguez contacted Balestriere Lanza PLLC, and on January 3, 2008, Rodriguez signed an engagement letter.

7. On May 13, 2008, I had a phone conversation with plaintiff to discuss particulars of her case and arrange a time to meet in order to prepare for an upcoming deposition. I later sent Plaintiff an email to confirm our phone conversation.

8. Between May 14, 2008, and May 19, 2008, plaintiff and I attempted, through several emails, attached hereto as Exhibit A, to settle on a time and date to meet and prepare for an upcoming deposition. Plaintiff and I agreed to meet on May 21, 2008, at approximately 8:00 p.m.

9. On May 21, 2008, at approximately 7 p.m., I received a message from plaintiff expressing reservations about moving forward with the above-entitled action and suggesting that one of the other interested plaintiffs take over as lead plaintiff. Due to this phone message our planned meeting for the evening was cancelled.

10. On the morning of May 22, 2008, I notified both, defendant's counsel, Bari Klein, and the Court, of the May 21, 2008, development.

11. Attached to this declaration, under the identified exhibit tabs, are true and correct copies of the following documents:

Exhibit A	E-mail communications between Einat Packman and Craig Stuart Lanza, dated May 14, 2008, May 15, 2008, May 19, 2008, and May 27, 2008
Exhibit B	Proposed Amended Complaint

Dated: New York, New York  
June 6, 2008

Respectfully submitted,

s/ Craig Stuart Lanza  
Craig Stuart Lanza (CL-2452)  
Jon Norinsberg (JN-2133)  
John Balestriere (JB- 3247)  
**BALESTRIERE LANZA PLLC**  
225 Broadway, Suite 2900  
New York, NY 10007  
Telephone: (212) 374-5404  
Facsimile: (212) 208-2613  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing document was served on the following counsel of record on June 6, 2008, via the methods listed below:

**By ECF and First Class Mail**

Bari Klein  
Lewis Brisbois Bisgaard & Smith LLP  
199 Water Street, Suite 2500  
New York, NY 10038  
*Attorneys for Defendants*

s/ Craig Stuart Lanza  
Craig Stuart Lanza  
**BALESTRIERE LANZA PLLC**  
225 Broadway, Suite 2900  
New York, NY 10007  
Telephone: (212) 374-5404  
Facsimile: (212) 208-2613  
*Attorneys for Plaintiff*